

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 18, 2022
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

The Council of the City of Destin met in regular session with the following members and staff present:

Destin City Council

Mayor Gary Jarvis

Councilmember Jim Bagby

Councilmember Bobby Wagner

Councilmember Johnny King

Councilmember Dewey Destin

Councilmember Rodney Braden

Councilmember Kevin Schmidt

Destin City Staff

City Manager Lance Johnson

City Clerk Rey Bailey

Public Info Mgr. Catherine Card

Senior Planner Daniel Butler

Public Works Director Michael Burgess

Building Official Noelle Bell

Grants/Project Manager Jeffrey Cozadd

Land Use Attorney Kim Kopp

Deputy City Manager Webb Warren

City Planner Tunazzina Alam

Principal Planner Steve O'Connor

Engineering Assistant Joe Bodi

Parks & Rec Director Lisa Firth

Finance Director Krystal Strickland

City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Schmidt moved to pull item 6G1 – *Towing Resolution* – from the agenda and place the item on the May 2, 2022, council meeting agenda; seconded by Councilmember Wagner. Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted “yes”; Councilmember Hebert was absent from the meeting).

Motion by Councilmember Braden, seconded by Councilmember King, to approve the agenda, as amended, passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted “yes”; Councilmember Hebert was absent from the meeting).

1. PROCLAMATIONS / RECOGNITIONS / SPECIAL / PUBLIC PRESENTATIONS / ANNOUNCEMENTS

- A. Destin Elementary Archery Team Places First in The National Archery Competition, Sponsored by The Fish and Wildlife Commission of Florida.

The mayor presented an award plaque to the Destin Elementary School Archery Team honoring their accomplishment.

2. PUBLIC COMMENTS

Mr. Claude Perry, a Destin resident and business owner, asked for clarifications regarding an ordinance being proposed tonight, which would provide minimum requirements for non-residential components in the Town Center Mixed Use zoning district. He stated he wanted to make sure that if this regulation passes, it would not interfere with what Publix plans to do with the property they are trying to obtain; adding that this property, which is located on Main Street and U.S. Hwy 98, has been deteriorating for over 20 years.

According to the Land Use Attorney, the proposed ordinance currently proposes a minimum of 10 percent of non-residential uses off of US Hwy 98, and a minimum of 20 percent uses on U.S. Hwy 98; and that it will not affect any specific proposals for the Publix property at this time.

3. CONSENT AGENDA

- A. Operations Financial Report
- B. Capital Project Status
- C. Floodplain Management Program - Annual Report
- D. Proposed Single-Family Residential Marine Construction - 4049 Indian Bayou N Road
- E. Proposed Bert Harris Settlement Agreement for 70 Pompano
- F. Approval of minutes of March 21, 2022, Regular City Council Meeting
- G. Approval of minutes of April 4, 2022, City Council Executive Session
- H. Approval of minutes of April 4, 2022, Regular City Council Meeting
- I. Minutes of Board & Committees

Councilmember Bagby moved for approval of Consent Agenda items 6A thru 6I, as printed above, passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

4. CITY MANAGER REPORTS

- A. Quarterly Investment Report

The Finance Director Krystal Strickland discussed the quarterly investment report as well as the status of the city's investment accounts with Raymond James, as presented in the report to council; noting that the city has approximately \$16 million currently invested with Raymond James, another \$7 million at Trustmark that will be eligible for investment and working out the class flows to always maintain \$3 million on hand to cover the city's monthly expenditures.

Councilmember Destin asked how the city's funds at Trustmark and Raymond James are protected since FDIC only insures a certain amount.

Ms. Strickland explained that since Trustmark is a qualified public depository, the city is insured by the state. With regards to the city's funds with Raymond James, the only investment that could be at risk based on the maximum amount FDIC can cover is the money they put in a

certificate of deposit. However, they make sure they do not invest too much in any one bank for the certificate of deposit and that those funds are always covered by FDIC.

B. FY23 Budget Calendar

Ms. Strickland explained that two budget and millage public hearings must be set each fiscal year. Each year the city must publish a budget adoption calendar, establishing dates for the two budget and millage public hearings. After review of the schedules of other budget public hearings, committee meetings and legal counsel schedules, staff recommends holding the first budget and millage public hearing on September 8, 2021, at 5:30 PM in the City Hall Annex Council Chambers.

Motion by Councilmember King, seconded by Councilmember Wagner, to approve the Fiscal Year 2023 Budget Calendar and to set Budget and Millage Adoption Public Hearing #1 for September 8, 2022, at 5:30 PM, in the City Hall Annex Council Chambers at 4100 Indian Bayou Trail, passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

C. Facilities Condition Assessment for Capital Improvement Planning, authorization to execute a contract

Public Works Director Michael Burgess explained that the purpose of the Facilities Condition and Needs Assessment is to provide comprehensive documentation and analysis of the city's existing built facilities. This analysis will be utilized for prioritizing capital improvements and maintenance requirements as well as assisting decision-makers with allocating operating budgets and long-term facility needs for various city facilities. He stated that the city put out a Request for Proposal (RFP) for the service which resulted in two submissions. The city's Bid Committee reviewed both proposals and recommended Matrix Design Group, Inc. to the council. Staff recommends the execution of the Standard Agreement for Professional Services.

Councilmember Bagby moved to authorize the mayor to execute the Standard Agreement for Professional Services with Matrix Design Group, Inc., seconded by Councilmember Wagner.

The council discussed adding the following to the list of city facilities to be assessed:

- Dalton Threadgill Park
- Public parking lots
- Capt. Royal Melvin Heritage Park

Councilmember Destin wants to know if adding the above facilities to the list will increase the total amount of the contract.

Mr. Sal Nodjoman, Chief Executive Officer for Matrix Design Group, Inc., stated it will not affect the total amount of the contract.

Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

D. Announcements

- Coastal cleanup at Joe's Bayou and Norriego Point Park on Saturday, April 23rd, from 8:00 to 10:00 AM
- Deadline for completion of Capt. Royal Melvin Heritage Park construction extended from April 11th to May 11th
- Arbor Day Celebration scheduled for April 29th at 10:00 AM at the Kell-Aire North Park
- Blue Star Memorial to be installed at the Destin Library on April 19th at 11:00 AM

5. PUBLIC HEARINGS

- A. Proposed Conditional Use 21-40-CU Destin Smoke Shop, and "Other Miscellaneous Store Retailers" uses in the City of Destin Land Development Code.

The City Attorney sworn in the following individuals for testimony:

- Steve O'Connor – Principal Planner
- Daniel Butler – Senior Planner
- Tunazzina Alam - Planner

The City Attorney asked if there had been any ex-parte communications regarding the project that the mayor and members of the council wish to disclose.

Each mayor and city council member responded they have not been involved in any ex-parte communications regarding this project.

City Planner Tunazzina Alam provided the following information relative to the proposed development:

- Request for a Conditional Use approval for a smoke shop, which is classified as "Other miscellaneous store retailers" within the City Land Development Code (LDC), to be located at 34894 Emerald Coast Parkway. The existing site is 0.62 acres and is located within the Crystal Beach Plaza.
- Review and analysis of the proposed conditional use are based on the following criteria outlined in Section 7.12.10 of the LDC:
 - Land Use Compatibility
 - Sufficient size, site specifications, and infrastructure
 - Proper use of mitigative techniques
 - Hazardous Waste
 - Over proliferation of use
- Proposed project meets the land development standards and regulations outlined in the comprehensive plan and LDC.

The mayor opened a public hearing to receive comments for or against the proposed project. Having none, the mayor closed the public hearing portion of this item and turned the matter over to the city council for discussion and consideration.

Councilmember Bagby moved for approval of Conditional Use 21-40-CU with the following condition: The applicant shall provide the city with proof of record of the executed shared parking agreement. Councilmember Wagner provided a second to the motion, which passes 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted “yes”; Councilmember Hebert was absent from the meeting).

- B. Major Development Order 21-21-SP - Gregory Uzdevenes, on behalf of William N. Martin, is requesting approval for a Major Development Order. The project is located at 90 Sibert Avenue (Parcel ID: 00-2S-22-0310-000A-073E), with the property totaling approximately 0.43 acres. The applicant is proposing to construct a two-story parking structure to serve the McGuire’s Restaurant, as well as the Harborview Shopping Center.

The City Attorney sworn in the following individuals for testimony:

- Steve O’Connor – Principal Planner
- Daniel Butler – Senior Planner
- Tunazzina Alam – Planner
- Gregory Uzdevenes – Project Architect
- William N. Martin – Property Owner

The City Attorney asked if there had been any ex-parte communications regarding the project that the mayor and members of the council wish to disclose.

Each mayor and city council member responded they have not been involved in any ex-parte communications regarding this project.

Senior Planner Daniel Butler provided the following information relative to the proposed development:

- This is a request for approval for a Major Development Order
- The project is located at 90 Sibert Avenue, with the property totaling approximately 0.43 acres
- The applicant is proposing to construct a two-story parking structure to serve the McGuire’s Restaurant, as well as the Harborview Shopping Center
- The property has a Future Land Use Map Designation of North Harbor Mixed Use (NHMU) and a Zoning Designation of North Harbor Mixed Use (NHMU). The proposed use is consistent with these land use regulations
- The project, as required by the Comprehensive Plan and the LDC, has undergone a compatibility review and meets the minimum requirements
- Parking lots and garages (public & private) are an appropriate use within the NHMU’s future land use designation and permitted use within the NHMU zoning district
- Proposed height, floor area ratio, setbacks, and open space are all in compliance with the LDC
- The site is currently nonconforming in its parking provided. Construction of the parking structure will bring them into compliance with the parking regulations in Article 8 of the code
- The project meets the landscaping requirements in the LDC

The mayor opened a public hearing to receive comments for or against the proposed project. Having none, the mayor closed the public hearing portion of this item and turned the matter over to the city council for discussion and consideration.

Councilmember Bagby moved for approval of McGuire's Parking Structure, a Major Development Order, seconded by Councilmember Wagner.

Councilmember Schmidt asked whether the parking garage will be gated, or if it is open to the public.

Mr. Gregory Uzdevenes, project architect, stated that the parking garage will be opened to the patrons of the site.

Councilmember Destin noted that McGuire's Restaurant's current surface lot has the entrance on Sibert Avenue and an exit on Zerbe Street, but the current design has both the entrance and exit on Sibert Avenue. He stated that Sibert is a more travelled road; and that the city has at one point entertained the possibility of making it a one-way road. He asked whether the applicant was directed by the city to design it this way.

Mr. Uzdevenes noted that the original proposal (conceptual design) has an entry on both streets, but the City Engineer turned it down.

Engineering Assistant Joe Bodi explained that one of the requirements for new development is to provide a way into the site without being in the right-of-way as they are coming in for parking. In addition, the multimodal transportation district requires consolidation of accessways.

Mr. Uzdevenes stated that after further review of the plan, they have determined it is more advantageous to them to only have one accessway as they could pick up more parking spaces.

Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

- C. First reading of Ordinance 22-06-LC, changing the list of permitted uses in the Industrial Zoning District to allow one Custodian or Night Watchman residence per Industrial Site; Amending Table 7-2 "Table of Allowable Uses"

The City Attorney read proposed Ordinance 22-06-LC by title, and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA CHANGING THE LIST OF PERMITTED USES IN THE INDUSTRIAL ZONING DISTRICT TO ALLOW ONE CUSTODIAN OR NIGHTWATCHMAN RESIDENCE PER INDUSTRIAL SITE; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the mayor closed the public hearing portion of this item and turned the matter over to the city council for their discussion and consideration.

Councilmember Schmidt moved for approval of Ordinance 22-06-LC on first reading, seconded by Councilmember King.

Councilmember Destin recommends establishing a size restriction for the custodian or nightwatchman residential dwelling in the Industrial zoning district. He also stated that this type of a proposal requires a legislative sponsor from this council.

According to the Land Use Attorney, they can include a size restriction on that residential dwelling unit and bring the ordinance back to first reading with that change if that is the desire of the council. She also explained that the reason staff brought the ordinance forward without a legislative sponsor was they had an applicant come in that wanted to have a storage unit converted to a residential unit for the security nightwatchman in the Industrial district. They could have included this matter in some of the LDC rewrite because it is a change that should be made to the code for consistency with the comprehensive plan.

There were some discussions relative to the maximum size restriction to include in the ordinance. There was a suggestion for a maximum square footage of 900-1000 square feet.

The Land Use Attorney recommends a square footage that is based on the size of the overall project; adding she could discuss this matter with staff and come back with a recommended square footage.

Councilmember Destin offered a substitute motion to bring proposed Ordinance 22-06-LC back to first reading adding a size restriction for custodian/night watchman dwelling unit based on recommendation by city staff and Land Use Attorney; seconded by Councilmember Bagby. Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

- D. First reading of Ordinance 22-07-LC - Providing for amendments to Article 7 of the Land Development Code to provide minimum requirements for non-residential components in the Town Center Mixed Use zoning district

The City Attorney read proposed Ordinance 22-07-LC by title, and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE TO PROVIDE MINIMUM REQUIREMENTS FOR NONRESIDENTIAL COMPONENTS IN THE TOWN CENTER MIXED USE ZONING DISTRICT; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Hearing none, the mayor closed the public hearing portion of this item and turned the matter over to the city council for their discussion and consideration.

Councilmember Destin moved to approve proposed Ordinance 22-07-LC on first reading; seconded by Councilmember Bagby.

Councilmember Bagby recommends applying the minimum square footage or percentages to Main Street and US Hwy 98.

According to the Land Use Attorney, they could make that change to the ordinance without going back to first reading since it will not alter the title of the ordinance.

Councilmember Destin moved to approve proposed Ordinance 22-07-LC on first reading, and to add Main Street and US Hwy 98 for the minimum square footage (20%) requirements for non-residential components in the TCMU zoning district. Councilmember Bagby provided a second to the motion, which passes 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

6. COMMENTS / PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY

A. Councilmember Braden

Councilmember Braden inquired as to the status of the abandoned house located on the north side of the Destin Bridge that was to be demolished last year.

Building Official Noelle Bell stated that staff will bring back quotes for demolition of the structure for council's approval, if necessary. She also noted that the city currently has a lien of \$250 per day on that property based on the order previously imposed by the Special Magistrate.

Councilmember Destin asked if they could go ahead and demolish the building and then put another lien on the property to recoup the cost for the demolition.

Ms. Bell stated they could place an additional lien on the property to recover the money they will spend for the demolition. She added they will proceed with the demolition of the property as soon as they receive the quotes and select a firm.

The mayor noted that the rewrite of the Land Development Code is underway, and that he has previously requested that the Land Use Attorney and staff update the code and bring back a much clearer, more proficient, and aggressive abatement process for nuisance and problem properties in the community.

The Land Use Attorney noted that updating this particular code is one of their priorities and they have planned to bring it back to council in the upcoming weeks.

Councilmember Bagby suggests they develop a matrix similar to the one for the derelict vessels that was created a few years back. They identify the problem, list all the steps involved in solving it, outline dates and timelines on how they plan to proceed, and then execute the plan.

B. Councilmember Wagner

1. Emerald Coast Regional Council (ECRC) - Appointment as Primary Council Representative

Councilmember Wagner requests council appoints him as primary council representative to the Emerald Coast Regional Council (ECRC) so he could attend and vote, if necessary, in their upcoming board meeting. He added that the current primary, Councilmember Hebert, is out of town and will not be able to attend the board meeting.

Councilmember Bagby moved to appoint Councilmember Wagner as primary council representative to the ECRC, seconded by Councilmember Destin. Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

- C. Councilmember Destin
- D. Councilmember Bagby

Councilmember Bagby urged first term council members to take advantage of the opportunity to attend the Institute of Elected Municipal Officials (IEMO) Level 1 training on June 10th – 12th in Jacksonville, FL.

- E. Councilmember Hebert
- F. Councilmember King

Councilmember King reported being contacted by a citizen who runs a fishing operation in Destin. According to the citizen, they were having a night excursion down at Joe's Bayou and were cited by a Code Compliance Officer for utilizing the facility after hours. He continued that the hours of operations for all city parks are from dawn to dusk, but they need to consider making provisions for these types of businesses that operate late at night and/or early morning.

The City Manager noted that commercial activities are not allowed on all city parks. They are for recreational use only. He continued that council previously voted to allow commercial businesses to launch and recover their vehicles at Joe's Bayou, but not to conduct commercial activities in that park; however, it is not currently allowed after hours based on the current ordinance. He also stated he has not been informed of any citations being issued to that effect. He added that the council has the ability to extend the operating hours of any of the parks within the city.

The mayor noted that a lot of the fishing activities happen at night and during the wee hours in the morning. These businesses should be allowed to launch and recover their boats at Joe's Bayou as long as they are not conducting commercial activities there. However, he has some concern about safety and the city's legal liability in extending the hours of operations at Joe's Bayou since it will not be staffed.

It was the consensus of the council to have the City Manager and City Attorney investigate the feasibility as well as the liability involved in extending the hours of operations at Joe's Bayou and allowing people to launch and recover their boats late at night or early morning.

Councilmember Bagby recommends installing infrared cameras at Joe's Bayou to help in investigating any damage done to city properties. He would like to be able to see license plates of vehicles as people drive off with their boats.

Councilmember Wagner noted that the Parks and Recreation Committee is looking into the feasibility of recommending the hours of operations at all city parks be extended; however, one of the problems is lighting. He recommends setting up a plan to install lighting in all city parks.

G. Councilmember Schmidt

1. Towing Resolution

Item moved to May 2nd council meeting.

2. Beach boardwalk safety boards

Councilmember Schmidt provided photos of several safety boards along the Walton County beach accesses containing one or two lines of text that provide information on such things as the beach flag system, the leave no trace program, surf conditions, and surf warning flags as well as rip current safety tips. He recommends the city creates similar along the boardwalk.

Councilmember Schmidt moved to direct staff to bring back pricing to place safety boards on the boardwalk, seconded by Councilmember Destin.

Councilmember Bagby stated that it is a great idea. It has worked very well for Walton County as even little children notice them as they walk down on the beach. He also noted that the Walton County TDC paid for the placement of the safety boards. He recommends asking Okaloosa County TDC to cover the cost for the placement of safety boards along the boardwalk.

Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

H. Mayor Gary Jarvis

Mayor Jarvis presented the idea of instituting a community clean up program calling it a Community Pride Week or Community Pride Month, which is a way of providing residents with a focused and organized cleanup effort. It will be a concentrated sweep through selected neighborhoods each week or month focusing on cleaning up litter and removing abandoned vehicles. The goal will be to bring volunteers together to clean and improve public spaces or other areas such as vacant lots. Citizens as well as different entities such as the Boys and Girls

Club, the Boys Scouts as well as high school students will be encouraged to participate in the program.

Councilmember Destin moved to direct staff to look into the idea of instituting a community cleanup program such as a Community Pride Week or Community Pride Month, which is a concentrated sweep through selected neighborhoods cleaning up litter and removing abandoned vehicles; and encouraging different entities (i.e., Boys and Girls Club, Boy Scouts, high school students, etc.) to get involved. Councilmember Schmidt provided a second to the motion, which passes 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

- I. Land Use Attorney
- J. City Attorney

The City Attorney noted that Dr. Prebble Ramswell pleaded no contest and was adjudicated guilty to two counts of public records violation. Dr. Ramswell sent an email to both him and the City Manager requesting they contact Governor DeSantis to initiate the process of lifting her suspension and reinstating her to the city council. He continued he cannot say this is the process that would take place as it is for the Governor to decide, and that it is his decision alone whether Dr. Ramswell is reinstated or removed from the city council in accordance with the state statute. He also stated that he has conducted some research and has spoken with some peer organizations. It seems that typically the agency, the City of Destin in this case, does not take that type of action on behalf of a suspended council member. He added that he and the City Manager do not plan on taking any direction in this instance unless otherwise directed by the council; in which case they will adhere to the council's direction.

Councilmember Braden asked how this process is normally handled.

According to the City Attorney, he learned in his research that typically the affected person is the one that either advocates for reinstatement or resign.

7. PUBLIC COMMENTS

Having no further business at this time, the meeting was adjourned at 7:40 PM.

ATTEST:

SEAL

Rey Bailey, City Clerk

Gary Jarvis, Mayor